



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
FEBRUARY 4, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John Cook, Daniel S. Power, Paul J. Escobar, Luis G. Sariñana and Anthony W. Cobos. Absent: None. Jan Sumrall left the meeting at 12:12 p.m. Meeting was called to order at 9:10 a.m. and the invocation was given by Police Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

MAYOR'S PROCLAMATIONS

1. Inter-Club Council Black History Month
2. 74th Annual Southwestern International Livestock Show and Rodeo Day
3. American Heart Month
4. Day of The Korean

No action was taken on the discussion and action regarding a yard waste collection proposed site.
[Maria Hernandez]

Ms. Maria Hernandez, citizen, expressed her concerns.

Ms. Emma Acosta, Director of Solid Waste Management, commented.

Motion made by Representative Medina, seconded by Representative Sariñana and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representatives Sumrall, Medina and Sariñana were not present for the vote.

Motion made, seconded and unanimously carried to delete the request to excuse Representative Jan Sumrall from the Regular Council Meeting of February 4, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lease No. DTFA00-04-L-00344 between the City of El Paso and the United States of America for a Low Level Windshear Alert System (LLWAS) Site #4 located at Fire Station No. 20, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit the following HIDTA grant award documents for FY2001, as follows:

Supplement #1, Cooperative Agreement #I1PSWP566, West Texas Hotel/Motel Task Force, to increase the amount of the award by \$41,352.00 to a new total of \$206,782.00;

Supplement #3, Cooperative Agreement #I1PSWP574, Stash House Task Force, to increase the amount of the award by \$12,906.00 to a new total of \$379,906.00;

Supplement #3, #I1PSWP558, Multi-Agency Task Force, to decrease the amount of the award by \$43,778.00 to a new total of \$234,096.00, as some funds and officers are being moved to other task forces; and to authorize the Mayor to sign any documents to extend the award ending dates for the grants. No matching funds are required for any of these grants.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit the following HIDTA grant award documents for FY2002, as follows:

Supplement #1, Cooperative Agreement #I2PSWP574, Stash House Task Force, to increase the amount of the award by \$7,161.00 to a new total of \$374,349.00;

Supplement #1, Cooperative Agreement #I2PSWP566, West Texas Hotel/Motel Task Force, to increase the amount of the award by \$15,436.00 to a new total of \$193,786.00;

Supplement #1, Cooperative Agreement #I2PSWP557, Hijack Task Force to increase the amount of the award by \$77,805.00 to a new total of \$851,452.00;

Supplement #1, #I2PSWP558, Multi-Agency Task Force, to decrease the amount of the award by \$105,402.00 to a new total of \$176,568.00, as some funds and officers are being moved to other task forces;

and to authorize the Mayor to sign any documents to extend the award ending dates for the grants. No matching funds are required for any of these grants.

Motion made, seconded and unanimously carried to move to the Regular Agenda the Resolution relating to the giving of Notice of Intention to issue City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003.

Representative Cobos expressed his opposition to long-term debt.

Mr. Ed Drusina, Municipal Services, stated that the Rail Transportation study would cost \$500,000.

Mr. Bill Chapman, Chief Financial Officer, gave the particulars.

Representative Cobos suggested that the issuance of Certificates of Obligation should be taken to the voters of El Paso to decide.

Mr. Chapman reiterated that this was just a notice of the public hearing.

Representative Cook asked if the \$500,000 was requested during the budget hearings.

Mr. Charlie McNab, Chief Administrative Officer, advised that none of these items were budgeted for.

Representative Medina stated that he was satisfied with the cities debt-ratio compared to other cities. He commented on the City's low per capita ratio and the high financial rating.

Mayor Caballero commended City staff for the great financial condition the City is in.

Mr. Ray Gilbert, citizen, expressed his opposition to the issuance of Certificates of Obligation without voters' approval and requested that there be an election.

Mr. Norman Gordon, bond legal counsel, gave legal advice and commented on the projects.

Representative Cobos directed Legal to introduce an Ordinance calling for a Bond Election concurrent with the General Election.

Mr. McNabb added that the City would need at least 45-days to call an election and suggested the item be postponed for one (1) week.

Mayor Caballero suggested that Council should get the opinion of the Bond Overview Advisory Committee (BZAC).

Mr. McNabb, Chief Administrative Officer, read and quoted the BZAC's recommendation on the presentation made to Council. He also stated that the City is following the policy.

Representative Power complained about not giving him enough specifics in order to respond to his constituents.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to postpone one (1) week the Resolution relating to the giving of Notice of Intention to issue City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003.

Representative Sumrall was not present for the vote.

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***RESOLUTION**

WHEREAS, El Paso Community College (EPCC), the Upper Rio Grande Workforce Development Board (URGWDB), and the Rio Grande Council of Governments (RGCOG) plan to create a training program for workers in the brownfields clean-up industry; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) is making available grants for such training programs; and

WHEREAS, application for such brownfields training grants requires participation by a unit of local government; and

WHEREAS, EPCC, the URGWDB, and the RGCOG desire to enter into an interlocal governmental agreement with the City of El Paso to form a collaborative for preparing and submitting an application to the EPA for a brownfields training grant;

WHEREAS, pursuant to a Resolution of even date herewith, such an Interlocal Agreement is being authorized by City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, with El Paso Community College, the Upper Rio Grande Workforce Development Board, and the Rio Grande Council of Governments, documents necessary to apply to the U.S. Environmental Protection Agency for a brownfields training grant in the amount of \$156,965, which proceeds shall be used for establishing and conducting Brownfields Technician and Brownfields Team Leader Courses.

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***RESOLUTION**

WHEREAS, El Paso Community College (EPCC), the Upper Rio Grande Workforce Development Board (URGWDB), and the Rio Grande Council of Governments (RGCOG) plan to create a training program for workers in the brownfields clean-up industry; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) is making available grants for such training programs; and

WHEREAS, application for such brownfields training grants requires participation by a unit of local government; and

WHEREAS, EPCC, the URGWDB, and the RGCOG desire to enter into an interlocal governmental agreement with the City of El Paso to form a collaborative for preparing and submitting an application to the EPA for a brownfields training grant; and

WHEREAS, City Council, by Resolution dated December 23, 2002, authorized the drafting of such an Interlocal Agreement, to be subject to approval of City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Interlocal Governmental Agreement with El Paso Community College, the Upper Rio Grande Workforce Development Board, and the Rio Grande Council of Governments to provide for cooperation in submitting an application to the U.S. Environmental Protection Agency for a brownfields training grant in the amount of \$156,965 and for establishing and conducting Brownfields Technician and Brownfields Team Leader Courses.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit an application and sign all related documentation for second year of State funding for a Juvenile Compliance Project Grant in the amount of \$24,048.00 from the Office of the Governor, Criminal Justice Division, for the purpose of continuing a Municipal Court program to monitor juvenile offenders and community service sentences; and designating Richarda Duffy Momsen as the official representative under the grant. The City agrees that in the event of loss or misuse of grant funds, the funds will be returned to the Office of the Governor. Matching funds are required in the amount of \$26,052.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Forgivable Loan Agreement, between the City of El Paso and Centro San Vicente, for the project known as "Centro San Vicente Renovation". The project is funded in the 28th (2002-2003) Community Development Program Year in the amount of \$690,000.00.

*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign an Agreement for Construction Management Services by and between the **City of El Paso** and **Paragon Project Resources, Inc.**, for construction management services for a period of one (1) year, in an amount not to exceed ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Reception
Licensee: Wells Fargo & Company
Date: February 11, 2003
Time: 6:00 p.m. - 8:00 p.m.
Charge for Space: \$500.00
Charge for Staff (est.): \$440.00
Charge for Insurance: \$40.00
Area(s): Lobby

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2002-2003 appropriations to be approved by the City Council and the City's Civil Service Commission.

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 501011

1. CONTRACTOR: Irma Rodriguez, Teacher Aide, Step 1
DATES: February 5, 2003, thru August 31, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-159

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the Civil Service Commission and the City Council.

YOUTH OUTREACH

DEPARTMENT ID: 51010234, ACCOUNT 502215

1. CONTRACTOR: Reyna Quintana, Aerobics Instructor
DATES: February 5, 2003, thru March 18, 2003
RATE PER CL: \$15.00
MAXIMUM AMT: \$200.00
CONTRACT: 2002/2003-086

SAN JUAN RECREATION CENTER

DEPARTMENT ID: 51510123, ACCOUNT 502214

2. CONTRACTOR: Patricia Chavez, Aerobics Instructor
DATES: March 17, 2003, thru August 28, 2003
RATE PER CL: \$11.05
MAXIMUM AMT: \$1,050.00
CONTRACT: 2002/2003-087

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **ELI S. NEVAREZ** to amend the hours. The employee shall work from a minimum of 20 hours per week up to 39 hours per week.

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***RESOLUTION**

WHEREAS, El Paso's strategic location along the United States-Mexico border provides a unique opportunity to capitalize on regional north-south and east-west trade movement; and

WHEREAS, cross-border rail movement in the region is forecasted to triple over the next twenty years from its current forty to fifty trains per day; and

WHEREAS, rail, highway and air infrastructure must meet the needs of regional and international markets; and

WHEREAS, significant collaborations are underway between public officials and rail representatives of Ferrocarriles Nacionales de Mexico (FerroMex), Union Pacific and Burlington Northern Santa Fe to develop an integrated long-range transportation plan of rail and highway improvements in the region; and

WHEREAS, the Regional Intermodal Rail Project (the plan), is intended to:

- Strengthen cross-border efforts to cooperatively address transportation issues vital to the region;
- Allow for an international network to capitalize on goods movement;
- Provide for a safer, more efficient and multi-modal transportation system;
- Address air quality, drainage and transport connectivity;
- Improve mobility and access management; and
- Allow for quality of life initiatives and redevelopment opportunities; and

WHEREAS, the El Paso City Council is responsible for representing and addressing the needs of its residents and business community; and

WHEREAS, regional local governments and business partners must work together to support efforts and projects that enhance economic development and bring new jobs and infrastructure to the region; and

WHEREAS, in February 2003, the United States Congress will commence the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21); and

WHEREAS, funding under the reauthorization bill for transportation projects will be a nationally competitive process with each community proposing various transportation initiatives for their region; and

WHEREAS, the City of El Paso supports the concepts of the Regional Intermodal Rail Project which propose realignment and improvement of major rail and highway corridors and associated facilities within the region; and

WHEREAS, the City of El Paso has approved the submission of requests for federal funding under the reauthorization bill to support the concepts of the Regional Intermodal Rail Project; and

WHEREAS, supporting the concepts of the Regional Intermodal Rail Project and the collaborations underway at a regional scale will benefit all citizens of the bi-national and tri-state area;

NOW, THEREFORE, BE IT RESOLVED:

THAT the El Paso City Council has determined that an integrated long-range transportation program of the rail and highway transport system within the region is vital to the prosperity of the community, and furthers the policies expressed in the City's comprehensive plan.

THAT the El Paso City Council does hereby endorse and support the concepts of the Regional Intermodal Rail Project, and encourages the efforts of a feasibility study and implementation plan to carry out the goals of the Project in coordination with other local governments and affected rail operators of the region.

THAT, the El Paso City Council deems the Regional Intermodal Rail Project a high transportation priority project and encourages congressional support of the Project and the funding submissions to be made under the TEA-21 Reauthorization Bill.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Consent to Assignment from RUST TRACTOR COMPANY to WAGNER EQUIPMENT COMPANY with respect to the City of El Paso's Contract No. 2002-200 to provide Caterpillar Genuine Parts, Product Support Services and Maintenance.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
5931 Dyer Street	\$314.47	\$147.53	\$ 462.00

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
1100 Zaragoza Road	\$919.04	\$411.25	\$1,330.29

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of February, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4473 Eleanor Street, in El Paso, Texas, which property is more particularly described as:

Lot: 48, in Marwood, a Subdivision to the City of El Paso, El Paso County, Texas, according to the Amended Map of the First Section thereof on file in Back of Book 764, Deed Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Fernando Lopez, 10360 Jimenez Lane, El Paso, Texas 79927, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Franklin Hills Unit One
Owner/Developer: Colony Partners L.P.
Consultant: Roe Engineering, L.C.

Street Improvements:

Franklin Hills Street - from the North boundary line of the subdivision to the South boundary line of the subdivision

Franklin Ridge Drive - from the West property line of Franklin Hills Street to the end of the cul-de-sac

Red Ridge Place - from the South property line of Dakota Ridge Drive to the North property line of the subdivision

Dakota Ridge Drive - from the West property line of Franklin Hills Street to the West boundary line of the subdivision

Cougar Ridge Lane - from the West property line of Franklin Hills Street to the North property line of Dakota Ridge Drive

Deer Ridge Lane - from the South property line of Casper Ridge Drive to the North property line of Dakota Ridge Drive

Casper Ridge Drive - from the West boundary line of the subdivision to the east boundary line of the subdivision

Drainage Improvements:

Dakota Ridge Drive:
2-4 grate type I drop inlets, 2-1 grate type I drop inlets, 305.04' of 18" R.C.P. (class IV), 25.60' of 24" R.C.P. (class IV), 163.36' of 42" R.C.P. (class IV)

Casper Ridge Drive:
1-3 grate type I drop inlet, 279.63' of 24" R.C.P. (class IV), 279.63' x 10' wide private drainage easement between lots 4 & 5 block 1

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Pleasant Hills Unit Seven Replat "A"
Owner/Developer: ACRO Development
Consultant: CONDE Engineering

Street Improvements:

Silver Sands Avenue - from the West subdivision boundary line to the East subdivision boundary line

Cedar Sands Lane - from the West subdivision boundary line to the East subdivision boundary line

Ballinger Drive - from the West subdivision boundary line to the East subdivision boundary line

Desert Sands Place - from the North property line of Cedar Sands Lane to the end of cul-de-sac

Drainage Improvements:

639 ft. x 10 ft. Drainage Easement.-Extend 639 ft. to the East from North property line of lot 7, block 27,
624 ft. of 24" Ultra Flow pipe, 15 ft. of 30" Ultra Flow pipe

*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Tierra Del Este Unit Three
Owner/Developer: Ranchos Real V., LTD.
Consultant: CONDE Inc.

Street Improvements:

Tierra Humeda Drive - from the North Subdivision boundary line to the North property line of Tierra Bella Dr., from the South property line of Tierra Bella Dr. to the North property line of Tierra Baja Way, from the South property line of Tierra Baja Way to the end of the cul-de-sac

Tierra Madre Road - from the East property line of Tierra Humeda Dr. to the West property line of Tierra Este Rd., and from the East property line of Tierra Este Rd. to the South property line of Tierra Bella Dr

Tierra Bella Drive - from Northwest subdivision boundary line to the Northeast property line between lots 29 and 30, block 20

Tierra Buena Drive - from the South property line of Tierra Bella Dr. to the West property line of Tierra Humeda Drive - from the East property line of Tierra Humeda Dr. to the West property line of Tierra Este Rd

Tierra Atliana Way - from the South property line of Tierra Bella Dr. to the end of the cul-de-sac

Tierra Sol Road - from the West property line of Tierra Este Rd. to the North property line of Pebble Hills Blvd.

Tierra Chica Way - from the South property line of Tierra Sol Rd. to the end of the cul-de-sac

Tierra Blanda Drive - from the South property line of Tierra Madre Rd. to the North property line of Tierra Baja Way, from the south property line of Tierra Baja Way to the North property line of Tierra Humeda Dr., and from the South property line of Tierra Humeda Dr., to the Southeast subdivision boundary line

Tierra Baja Way - from the Northwest subdivision boundary line to the West property line of Tierra Serena Rd

Tierra Serena Road - from the West property line of Tierra Este Rd., to the North property line of Pebble Hills Blvd

Tierra Wheatley Way - from the South property line of Tierra Bella Dr. to the end of the cul-de-sac

Tierra Mia Way - from the North property line of Tierra Buena Dr. to the end of cul-de-sac

Tierra Gris Way - from the North property line of Tierra Buena Dr. to the end of the cul-de-sac

Tierra Dulce Drive - from the Northeast property line between lots 29 and 30 block 20 to the South property line of Tierra Madre Rd

Tierra Café Drive - from the North subdivision boundary line to the North property line of Pebble Hills Blvd

Tierra Dulce Drive - from the Northeast property line between lots 29 and 30 block 20 to the South property line of Tierra Madre Rd

Tierra Café Drive - from the North subdivision boundary line to the North property line of Pebble Hills Blvd

Tierra Este Road - from the North subdivision boundary line to the North property line of Tierra Bella Dr.,
from the South property line of Tierra Bella Dr. to the North property line of Pebble Hills Blvd

Tierra Fria Road - from the East property line of Tierra Bella Dr. to the West property line of Tierra Café Dr

Tierra Luz Way - from the North property line of Tierra Madre Rd. to the end of the cul-de-sac

Drainage Improvements:

Ponding Area - retention pond at Lot 45, Block 19; with a 3.089 ac. Area and a 41.69 ac-ft capacity; 2-Thrust Block Structures, 1501 ft. of 6 ft. high rockwall fence with an 18.0 ft. Double Swing Gate. 2-thrust block structures, 83.76 ft. of 36" R.C.P., of 62.81 ft. of 48" R.C.P., and 2 junction boxes/72" manholes

15 ft. Drainage Easement - within lot 17, block 20

20 ft. Drainage Easement - within lot 9, block 19

20 ft. Drainage R.O.W. - between lots 20 and 21, block 19

Tierra Dulce Drive - 2-2 grate drop linlets type I, and 32.62 ft. of 36" R.C.P.

Tierra Madre Road - 2-3 grate drop inlets type I, 123.41 ft. of 24" R.C.P., 1 junction box/72" manhole, 261.88 ft. of 48" R.C.P., 2 concrete pipe collars, 1-2 grate drop inlet type I, 32.61 ft. of 18" R.C.P., and 1-3 grate drop inlet type III with junction box

Tierra Este Road - 2-3 grate drop inlets type I, 53.06 ft. of 24" R.C.P., 388.19 ft. of 30" R.C.P., and 1 junction box/72" manhole

Tierra Serena Road - 2-3 grate drop inlets type I, and 30.07 ft. of 24" R.C.P.

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*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Martin Herrera – Police Officer

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Arts & Culture

Add	1.00	Clerk Typist III	GS 13
Delete	1.00	Clerk Typist II	GS 9

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Clerk's Office

Add	1.00	VOE Temporary Clerk	NG
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*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Cheyenne Trail between 6419 and 6423 for \$899.00. Funding Source: District 3 Discretionary Funds

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Juan M & Deyanira Pinales in the amount of \$2,081.57, overpayment of 2002 taxes.
(PID #A642-999-0060-4100)
- B. Stewart Title in the amount of \$866.00, overpayment of 2002 taxes.
(PID # C105-000-0380-0500)

- C. Timothys & Veronica Sughrue in the amount of \$2,692.78, overpayment of 2002 taxes.
(PID #C340-999-023A-9919)
- D. Lawyers Title of El Paso in the amount of \$3,136.98, overpayment of 2002 taxes.
(PID #C340-999-1030-1700)
- E. Lawyers Title of El Paso, Inc. in the amount of \$971.43, overpayment of 2002 taxes.
(PID #G480-999-0010-0300)
- F. Weststar Loan Servicing in the amount of \$638.13, overpayment of 2001 taxes.
(PID #H453-999-0280-2200)
- G. Vivian & Nelda Garcia in the amount of \$2,028.98, overpayment of 2002 taxes.
(PID #I256-999-0080-0100)
- H. Arnaldo Carrasco in the amount of \$1,480.36, overpayment of 2002 taxes.
(PID #L478-999-0010-0100)
- I. Hugh E. Erskine, Jr. in the amount of \$1,901.85, overpayment of 2002 taxes.
(PID #M329-999-0210-8100)
- J. Lawyers Title of El Paso in the amount of \$1,649.23, overpayment of 2002 taxes.
(PID #M757-999-0010-7300)
- K. Lawyers Title of El Paso in the amount of \$2,739.83, overpayment of 2002 taxes.
(PID #N241-999-0130-1800)
- L. Archie & Christa Jones in the amount of \$1,463.98, overpayment of 2002 taxes.
(PID #N471-999-0010-2200)
- M. Richard & Patricia Ortega in the amount of \$4,754.07, overpayment of 2002 taxes.
(PID #R246-999-0140-3100)
- N. Lawyers Title of El Paso in the amount of \$5,003.63, overpayment of 2002 taxes.
(PID #R460-999-0080-1700)
- O. Chase Manhattan Mortgage Corporation in the amount of \$564.42, overpayment of 2002 taxes.
(PID #S052-999-0040-5600)
- P. Dovenmuchle Mortgage in the amount of \$2,977.40, overpayment of 2002 taxes.
(PID #S380-999-0020-2500)
- Q. Lawyers Title of El Paso in the amount of \$2,301.58, overpayment of 2002 taxes.
(PID #T213-999-0090-0400)
- R. Sierra Title in the amount of \$2,827.02, overpayment of 2002 taxes.
(PID #U819-000-0130-14D0)
- S. Alan A. Zinter & Mary B. Zinter in the amount of \$3,843.68, overpayment of 2002 taxes.
(PID #V893-999-165A-3700)
- T. Eduardo & Yolanda M. Rey in the amount of \$7,331.98, overpayment of 2002 taxes.
(PID #V893-999-2630-1100)
- U. Lone Star Title Company in the amount of \$4,141.01, overpayment of 2002 taxes.
(PID #V893-999-5830-2500)
- V. William L. Palmer in the amount of \$1,613.67, overpayment of 2002 taxes.
(PID #V897-999-0240-0300)
- W. Lone Star Title Company in the amount of \$2,593.34, overpayment of 2002 taxes.
(PID #V897-999-0770-1700)
- X. Luis & Claudia Linan in the amount of \$600.00, overpayment of 2001 taxes.
(PID #V897-999-1090-6105)
- Y. Samuel & Luz Gricelda Lugo in the amount of \$2,023.95, overpayment of 2002 taxes.
(PID #V927-999-0110-4900)
- Z. Dennis W. & Maria T. Kemp in the amount of \$2,196.04, overpayment of 2002 taxes.
(PID #V927-999-0130-0600)
- AA. Francisco & Jeanette I. Sanchez in the amount of \$2,954.12, overpayment of 2002 taxes.
(PID #W145-999-0580-6400)
- BB. Suntory Water Group, Inc. in the amount of \$14,351.99, overpayment of 2002 taxes.
(PID #X008-999-000B-8100)

CC. Lawyers Title of El Paso, Inc. in the amount of \$9,514.89, overpayment of 2002 taxes.
(PID #X258-999-0000-7100)

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the request that the Director of Purchasing be authorized to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2002-146 for "Automated External Defibrillators", with Medtronic-Physio Control Corp.

Mr. Byron Johnson, Purchasing Director, gave the particulars.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to authorize the Director of Purchasing to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2002-146 for "Automated External Defibrillators", with Medtronic-Physio Control Corp.

Department(s): Fire -EMS
Funds Available: 508007-27254-04250203-PMB0003130
Funding Source: FY02 Cert OB Equip – City Equip
Item(s): Item #1Automated External Defibrillator
10 each @ \$2,200.00/each
Award Amount: \$22,000.00

Representatives Sumrall and Escobar were not present.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-010 New and Old Blackie Cheshier Park Improvements

Contractor: Banes General Contractors, Inc
El Paso, TX 79932
Department: Parks and Recreation
Funds Available: 31130550-PPW0046022-60027-508027
(Zaragoza)
31130550-PPW0046023-60047-508027
(Blackie Cheshier)
Funding Source: Quality of Life Bonds
Items: Base Bid \$2,554,000.00
Alternate #3 \$ 254,000.00
Alternate #3A \$ 400.00
Alternate #4 \$ 68,000.00
Alternate #5 \$ 68,500.00
Alternate #12 \$ 12,500.00
Total Award: \$2,957,400.00

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to BANES GENERAL CONTRACTORS, INC., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-037 Valley Creek Park Improvements

Contractor: Banes General Contractors Inc.
El Paso, Texas

Department: Parks & Recreation
Funds Available: PPW0046009/60021/508027
Funding Source: 2001 Bond Issue

Items:	Base Bid I	\$558,000.00
	Alternate No. 1	\$ 83,200.00
	Alternate No. 2	\$ 19,500.00
	Alternate No. 3	\$ 53,100.00
	Alternate No. 8	\$ 3,800.00

Total Award: \$717,600.00

The Departments of Purchasing, Engineering and Parks & Recreation recommend the award of this contract to Banes General Contractors Inc., the lowest responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2003-048 Northeast Area Park Improvements.

Mr. Byron Johnson, Purchasing Director, gave the particulars.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to award Bid No. 2003-048 Northeast Area Park Improvements.

Representative Jan Sumrall was not present for the vote.

Contractor: Trinity Construction Enterprises Inc. dba
El Paso TC Enterprises Inc.
El Paso, Texas

Department: Parks & Recreation
Funds Available: 31150550/PPW004634YR2/PPW004638YR2/
0360037/0360041/508027

Funding Source:	Quality of Life Bond Issue	
Items:	Base Bid I (Chuck Heinrich)	\$ 64,859.00
	Alternate No.2 (Chuck Heinrich)	\$ 2,683.00
		\$122,370.00

The Departments of Purchasing, Engineering and Parks & Recreation recommend the award of this contract to Trinity Construction Enterprises Inc. dba El Paso T C Enterprises Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2003-049 Workers' Compensation 3rd Party Administrator.

Motion made by Representative Sariñana, seconded by Representative Medina and unanimously carried to move into Executive Session Bid No. 2003-049 Workers' Compensation 3rd Party Administrator.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to postpone one (1) week Bid No. 2003-049 Workers' Compensation 3rd Party Administrator.

Representative Sumrall was not present for the vote.

Award to:	Ward North America Inc. Dallas, TX
Item (s):	All
Amount:	\$965,666.00 (estimate / 1 year)
Department:	Insurance
Funds available:	99100255-45122-502200
Funding source:	Worker's Compensation – Benefits Administrators
Total award:	\$965,666.00 (estimate / 1 year)

The Insurance Department and the Review Committee based on evaluation factors established for this procurement, recommend award to Ward North America, Inc.

This is a three (3) year contract with the option to extend the contract for two additional one-year periods.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary.

Representative Sariñana questioned the reason for local verses out of town firms, giving a local company \$1 million.

Representative Cobos questioned who was the best bid procurement.

Mr. Byron Johnson, Director of Purchasing, gave the particulars.

Representative Medina questioned the difference in amounts and what was the experience the City had with this company.

Mr. Johnson explained that the company had local representation.

Ms. Rita Rodriguez, City Attorney, added that this company has been working with the City since 1993.

Representative Cobos recommended to Council to keep it with a local firm.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-061 Automotive Parts Price List – Alternators & Starters

Award to: Vendor 1: Main Auto Parts
El Paso, Texas
Item (s): Part A, Group I
Amount: \$15,000.00 (estimated annually)

Award to: Vendor 2: Wolff's Generators
El Paso, Texas
Item (s): Part B
Amount: \$5,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Service Fund
Total award: \$20,000.00

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award. The Vendor also gives the City a prompt payment discount of 2% 20 days.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. The Vendor also offers the City a prompt payment discount of 3% 10 days.

Part A, Group II will not be awarded, the department will review and a new bid will be issued at a later date.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2003-065 Dick Shinaut Concrete Slab Phase II.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to award Bid No. 2003-065 Dick Shinaut Concrete Slab Phase II.

Representative Sumrall was not present for the vote.

Contractor: Rio Grande Valley, Inc.
Horizon City, Texas

Department: Parks Department
Funds Available: 51159242/P518000824/16163/508004
Funding Source: Parkland Dedication
Items: Base Bid \$26,800.00
Total Award: \$26,800.00

The Departments of Purchasing, Engineering and Parks recommend the award of this contract to Rio Grande Valley, Inc., the low responsible, responsive bidder. A lower bid was submitted; however, that bid was deemed non-responsive. It is requested that the Mayor of the City of El Paso be authorized to sign the contract approved by the City Engineer, Contract Compliance and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Ms. Rita Rodriguez, City Attorney, commented on a letter she received from Mr. Hector Aguirre, representing A&R Contractors of El Paso, Texas, where he gives the reasons why he was considered non-responsive.

Representative Power asked if bond requirement was by state law.

Representative Cobos asked if Mr. Aguirre was the lowest bidder and if the item could be postponed.

Mr. Byron Johnson, Purchasing Director, explained that the City requires bond insurance and this person did not provide a bond or a cashiers check.

Representative Sariñana commented on the City making exceptions in the past.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-316 FLEET SERVICES

Fleet Services is requesting a \$100,000 increase to outside labor. This increase is required to cover repairs of heavy equipment at the landfill and for the repair of patrol cars damaged in accidents.

Increase	\$100,000	to	37370510/45202/503125	OutsideRepair
Increase	\$100,000	to	37370510/45202/404351	Maint Rev

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-317 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for Park construction within the same Park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$31,500	to	51159242/P51800082416163/405060	Donations
Increase	\$31,500	to	51159242/P51800082416163/508004	Pub Use Fac

.....
*Motion made, seconded and unanimously carried to approve the following Building Permits and Inspections refund:

Fire use and/or hazardous material permit refund to West Texas Express in the amount of \$45.00.

.....
*Motion made, seconded and unanimously carried to approve the request of Spirit Life Christian Center to use amplification (5 microphones, 4 speakers, and 2 amplifiers) at Album Park on February 15, 2003 from 2:30 p.m. to 5:30 p.m. Approximately 10 persons will take part and 50 spectators are anticipated.
PERMIT NO. 03-005
.....

Motion made by Representative Medina, seconded by Representative Cobos and unanimously carried to deny an Ordinance changing the zoning of Lot 1, Block 1, NORMANDY ADDITION, El Paso, El Paso County, Texas (6363 Airport Road) from R-4 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/ Representative: Rosa I. and Miguel Villalba, 6363 Airport Road, El Paso, TX 79925. ZC-02050. THIS IS AN APPEAL CASE.

Ms. Patricia Adatao, Director of Planning, Research and Development, gave the particulars. She explained that the intended use of the land is for a beauty salon and that they received one letter and one phone call in opposition, one letter of support from WJ Timberland, and a petition with 25 signatures in support.

Mr. Luis La Cruz, member of Building and Zoning Advisory Committee (BZAC), stated that he did not believe the area was a residential street.

Ms. Rosa Villalba, property owner, also stated that she did not believe that the area in question was a residential street.

Representative Medina expressed his opposition to the zoning change, limits have to be set between residential and commercial streets.

Mr. La Cruz added that citizens in the area have been notified.

Representative Sumrall explained the appeal process.

ORDINANCE 15339

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 5 & 6, BLOCK 58, SUPPLEMENTAL MAP NO 1 OF EAST EL PASO ADDITION, EL PASO, EL PASO COUNTY, TEXAS (3507 GATEWAY WEST) FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos asked if there was any opposition.

Ms. Patricia Adatao, Director of Planning, Research and Development, stated that there is no opposition and that the Development Coordinating Committee (DCC) and the City Plan Commission (CPC) voted unanimously in favor of the zoning change.

Representative Sumrall asked Ms. Adatao if the intended use of the land is for a daycare to which she received a positive response.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, power, Escobar, Sariñana and Cobos
NAYS: Council Member Sumrall ABSENT: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15340

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4, BLOCK 6 OF CHRISTY TRACT IN BLOCK 31, YSLETA GRANT, EL PASO, EL PASO, TEXAS (SCHWABE STREET) FROM R-F (RANCH-FARM) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana asked questions.

Ms. Patricia Aauto, Director of Planning, Research and Development, gave the particulars and answered questions.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None ABSENT: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15341

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2A4, SECTION 45, BLOCK 79, TOWNSHIP 2, T & PRRC SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (ZARAGOZA ROAD) FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Aauto, Director of Planning, Research and Development, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None ABSENT: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15342

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE WEST ONE HALF OF LOT 11, ALL OF LOTS 12 AND 13, AND THE EAST EIGHT FEET OF LOT 14, BLOCK 109, GRANDVIEW ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (4005-4007 IDALIA AVENUE) FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO A-2/SC (APARTMENT/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Adatao, Director of Planning, Research and Development, gave the particulars. She explained that the owner is requesting a down zoning in order to construct a duplex. There is one letter of support, no opposition and that the City Plan Commission (CPC) and Developing Coordinating Committee (DCC) recommended unanimously in favor of the zoning change.

Representative Rodriguez asked questions about the parking.

Ms. Adatao replied that the property owner would provide parking as set by the code.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rodriguez, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos
NAYS: None ABSENT: None ABSTAINED: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: This Ordinance was considered together with Ordinance 15343.

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ORDINANCE 15343

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 6411 WHICH CHANGED THE ZONING OF LOTS 9-16, BLOCK 109, GRANDVIEW ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING THOSE CONDITIONS ON THE WEST ONE HALF OF LOT 11, ALL OF LOTS 12 AND 13, AND THE EAST EIGHT FEET OF LOT 14, BLOCK 109, GRANDVIEW ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (4005-4007 IDALIA AVENUE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

See discussion for Ordinance 15342.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rodriguez, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos
NAYS: None ABSENT: None ABSTAINED: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: This Ordinance was considered together with Ordinance 15342.

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ORDINANCE 15344

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO HO YUN LEE TO PERMIT TEMPORARY SIDEWALK VENDING WITHIN A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT 810 SOUTH EL PASO STREET FROM FEBRUARY 5, 2003 THROUGH JULY 3, 2003.**

Representative Escobar questioned the merchandise to be sold.

Ms. Patricia Adatao, Director of Planning, Research and Development, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None ABSENT: None

Council Member Sumrall was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postponed for two (2) weeks the public hearing to determine if the property located at 3737 Fred Wilson Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Maria C. Sanora & Isabel Medina, 1994 Blake, Los Angeles, CA, 90039-3834, have been notified of the violations at this property.
.....

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 9105 Enfield Way, in El Paso, Texas, which property is more particularly described as follows:

Lot: 2, Block 4, Lancaster Addition Unit One, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 35, Page 19, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, The Bank of New York, 3815 South West Temple, Salt Lake City, Utah 84115-4412 record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 4th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for April 1st, 2003 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Representative Escobar commented that the place looked lived in.

Mr. Maguire explained that they did but should have not.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representative Sumrall was not present for the vote.

.....
Motion made, seconded and unanimously carried to postpone two (2) weeks the public hearing to determine if the Council Resolution of December 3, 2002, for the property located at 125 N. Glenwood Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner(s) of this property, Estate of Delia Sanchez De Ulloa, 5765 Brand Court, El Paso, Texas 79905, have been notified of the violations at this property.

.....
Motion made by Representative Jan Sumrall, seconded by Representative Paul J. Escobar and unanimously carried closing the Public Hearing on the draft Ordinance proposing a restriction of through traffic on Interstate Highway 10, by vehicle class. The proposed Ordinance would restrict large trucks from usage of the left lane of portions of Interstate Highway 10, pursuant to and in accordance with Texas Transportation Code Section 545.0651. The proposed Ordinance would restrict truck traffic to the two farthest right lanes of Interstate Highway 10, from Mesa Street (milepost 11.2) to Zaragoza (milepost 32), in both directions. This restriction would be in effect from 6:00 a.m. to 8:00 p.m., each working day, excluding holidays, recognized by the City of El Paso.

Mr. Ted Marquez, Engineering Department - Traffic Division, explained the proposal and gave statistics on vehicle accidents on the freeway between Mesa to Zaragoza. He commented that TXDOT reserves the right to deny.

Representative Escobar asked how truck drivers would be notified of the change.

Mr. Marquez replied with signage on Interstate which will be supplied by TXDOT.

Representative Sariñana stated that this was no different from what other cities are already doing and questioned if the City could reduce the speed limit like other cities do.

Mr. Marquez advised that this was not part of the senate bill but that the department will forward this request to TXDOT.

Representative Cobos expressed his support and added that this would free up lanes.

Representative Sumrall expressed her concerns.

Representative Medina questioned statistics given by Mr. Marquez.

Mr. Marquez explained that there are collisions from Mesa to Zaragoza between commercial and passenger vehicles.

Mr. Leopoldo Sierra, citizen, expressed his opposition.

Mr. Patrick Wood, truck driver, expressed his opposition.

Commander Cliff Walsh, Police Department, expressed the Police Department's support and explained that they are prepared to educate the public and contacting the trucking industry in order to enforce it.

Mr. Marquez explained that he would go back to TXDOT and come back with their recommendations for Council's approval.

Representative Power expressed his concerns about slow mergers into the Interstate and how he believes the lane where they can get out the way as fast as they can.

Mr. Marquez revised that where the interstate narrows to three lanes, this will not apply.

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to close the public hearing.

Motion made by Representative John Cook, seconded by Representative Paul J. Escobar and unanimously carried to re-open the Public Hearing mentioned above to allow for continued public comment.

Mr. Antonio Cordova stated that the main thing about the freeway is that you are supposed to limit the speed.

Motion made by Representative John Cook, seconded by Representative Jan Sumrall and unanimously carried to close the Public Hearing again after public comment was concluded.

NOTE: This item was discussed together with the next item.

.....
Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone two (2) weeks and to allow the City's Traffic Division to confer with State traffic engineers and bring back a revised draft Ordinance.

Representative Sariñana was not present for the vote.

See discussion on the previous public hearing.

NOTE: Previous item was discussed together with the previous item.

.....
Motion made by Representative Power, seconded by Representative Medina and unanimously carried to approve Conditional "B" building permits for Tierra Del Este Unit Six under the finding on economic hardship.

Representative Sariñana was not present for the vote.

Representative Power asked questions.

Mr. Conrad Conde, representative of the applicant, explained that they are asking for the Conditional "B" as this will cause an economic hardship to the company.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to authorize and set a priority for the Planning, Research and Development Department to prepare a City-initiated Study Area Plan for the Sunset Heights area, to complement the work of the One Neighborhood at a Time initiative, that identifies the concerns, objectives, guidelines and design standards that propose to protect the existing characteristics of the neighborhood; and further directing that input from interested residents and property owners of the area be invited to participate in development of the Study Area Plan.

Representative Sariñana was not present for the vote.

.....
Motion made Representative Cook, seconded by Representative Medina and carried to direct staff to lease collection roll-offs and work to get all 16 collection sites as soon as possible and to do a public relations campaign, including inserting a notice in the water bills.

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar and Cobos
NAYS: Council Members Power and Sariñana

Mr. Charlie McNabb, Chief Administrative Officer, explained that this item was postponed last week in order to get amount figures from staff.

Mr. David Almonte, Director of Office of Management and Budget, explained that leasing roll offs would cost approximately \$1.2 million.

Mr. McNabb stated that the City did not budget for this as Council removed it.

Representative Sumrall expressed her concern on the Solid Waste Management Department charging more to people and taking away more.

Representative Cook commented on the citizen collection sites.

Ms. Emma Acosta, Solid Waste Management Director, explained that collection sites serve a dual purpose, recycling and yard waste and proceeded to give the particulars on the citizen collection sites.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer stated that cost does not include workers' compensation.

Ms. Theresa Caballero, citizen, stated that the citizens pay \$16.00 on water bill for garbage pickup on top of property taxes. She requested that the City keeps garbage pickup until the City makes it convenient for citizens to haul their trash away.

Representative Sariñana stated that the city is forced to make a decision during the budget hearings. The City made a mistake by doing away with yard waste pickup. He has a lot of senior citizens in his district that cannot take trash to pickup locations.

Representative Escobar expressed his concern with the increase in illegal dumping in vacant lots in his district.

Ms. Acosta explained that if citizens are going to drive around looking for a vacant lot, then they should be able to drive to a collection site. She made comparisons with the City of Austin, Texas, and stated that they charge \$4 per bag for pickup and added that there are waivers and options available.

Mayor Caballero recommended finding solutions to the problem instead of trying to change the budget at this point.

Representative Power agreed that the City made a mistake by doing away with yard waste pickup and asked that the City institutes the service again and do away with the citizens; collections sites.

Representative Sumrall stated she thought the City was going to be back to twice a week pickup and stated that the whole service from Solid Waste Management needs to be revamped.

Mr. Charlie McNabb, Chief Administrative Officer, explained municipal budgets processes, that is, identify services and costs, then what revenues will pay for the costs. It's up to Council what services they want to provide, but the City must identify revenue in order to have a balanced budget.

Representative Cobos stated that the City needs to move forward on the sixteen (16) citizen collection sites and proceeded to ask when the peak season for yard waste was.

Ms. Acosta replied that peak season is from February to September.

Representative Cook asked for a time frame in getting all 16 sites in place.

Ms. Acosta answered that it would take two (2) to three (3) weeks to be operational if the City leases privately and thirty (30) to sixty (60) day delivery after the bid has been awarded.

Representative Cook stated he did not oppose the program but that everything should be in place. The price is reasonable compared to other cities.

.....
Motion made by Representative Cobos, seconded by Representative Sariñana and carried to approve the Resolution that the Mayor be authorized to sign a Professional Services Agreement between the City of El Paso and Carl A. Parker/Froy Salinas for state legislative lobbying services.

Representative Medina questioned negotiating issues.

Mr. Charlie McNabb, Chief Administrative Officer, explained that they reached an agreement on almost everything except the overall contract price.

Ms. Rita Rodriguez, City Attorney, explained that the agreement's is not less than \$120,000 for 2-year contract, Bracewell and Patterson is \$90,000 a year, and H & Watson is \$82,5000 a year.

Mr. Charlie McNabb, Chief Administrative Officer, reminded Council about the Intergovernmental Relations Officer position to be an in-house position and that he believes the City will not require the same amount of work as before because of this new position.

Representative Power questioned if this company has a local office.

Ms. Rodriguez advised that one of the requirements from Council was that there be a local office and that they will be opening an office in El Paso.

Representatives Cobos, Medina, Sumrall, Power and Sariñana asked questions and made comments.

Mr. Leopoldo Sierra, citizen, commented.

Mayor Caballero advised Council that he would be reviewing this resolution and agreement.

NOTE: Mayor Raymond C. Caballero vetoed the above Resolution on February 4, 2003 (Copy of the Mayor's Memorandum vetoing the Resolution on file in the City Clerk's Office).

.....
Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance providing for the 2003 General Election in the City of El Paso, calling for an election of officers.

PUBLIC HEARING WILL BE HELD ON THURSDAY, FEBRUARY 13, 2003 FOR ITEM A

- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking generally), Section 12.44.180 (B) (Regulations pertaining to certain special situations) adding a reserved parking space for the District Clerk and amending paragraph (B) (27) to reserve four parking spaces for the State Court of Appeals Judges. The penalty being as provided in Section 12.48.010 of the El Paso Municipal Code. (District 8)
- C. An Ordinance amending Ordinance No. 014759, which granted a Special Privilege to the El Paso Community College for the encroachment of subsurface reinforcing tie-backs for a retaining wall onto a portion of public right-of-way within Block 6, Sunset Heights Addition, by extending the term for one additional year. (Fee: \$550.00, SP-00022A)
- D. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from February 19, 2003 through July 3, 2003. (Fee: \$39.99 per 3' x 9' vending area or \$73.97 per 6' x 9' vending area, SP-03001)
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **AIRPORT LABOR SUPERVISOR**.
- F. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the class of **CERTIFIED FIREFIGHTER TRAINEE**.
- G. An Ordinance adopting modifications to the 2025 Proposed Thoroughfare System as detailed in the map atlas of the Plan for El Paso and its related documents approved by the El Paso City Council on August 28, 2001.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 18, 2003 FOR ITEMS B – G

- H. An Ordinance changing the zoning of Tracts 26, 28, & 29B, Block 4, UPPER VALLEY SURVEYS, El Paso, El Paso County, Texas (Sunset Road/Montoya Main Lateral) from R-1 (Residential) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Carroll Maxon (aka Carroll S. Jones) / Representative: Roe Engineering, L.P., 601 N. Cotton St., Suite 6, El Paso, TX 79902. ZC-02060

- I. An Ordinance granting Special Permit No. SU-02025, to allow for a planned residential development with private streets, variable lot sizes and reduced setbacks on Tracts 26, 28 & 29B, Block 4, UPPER VALLEY SURVEYS, El Paso, El Paso County, Texas (Sunset Road/Montoya Main Lateral) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Section 20.68 of the El Paso Municipal Code. ZONE: R-2A (Residential). Applicant: Carroll Maxon (aka Carroll S. Jones) / Representative: Roe Engineering, L.P., 601 N. Cotton St., Suite 6, El Paso, TX 79902.
- J. An Ordinance granting Special Permit No. SU-02028, to allow for a church on a site of less than three acres on a Portion of Lot 25, Block 3, FAIRBANKS HEIGHTS, El Paso, El Paso County, Texas (4525 Fairbanks) pursuant to Section 20.36.040.E (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-1 (Commercial). Applicant: Calvary Temple / Representative: Todd Marler, 6393 Westside Dr., El Paso, TX 79932.
- K. An Ordinance granting Special Permit No. SU-02031 to allow for a parking reduction on the property described as Lot 32 & a Portion of Lot 31, Block 58, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County, Texas (1725 East Yandell), pursuant to Section 20.64.175. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial) Applicant: Jesus Valenzuela, Jr./ Representative: Vistacon, Inc., 1161 Kessler, El Paso, TX 79907.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 25, 2003 FOR ITEMS H - K

- L. An Ordinance providing for the issuance of City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003, in the aggregate principal amount of \$45,000,000; levying a tax in payment thereof; awarding the sale thereof, approving the official statement; and enacting other provisions relating thereto.

PUBLIC HEARING WILL BE HELD ON MARCH 4, 2003 FOR ITEM L

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
 Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to reconsider the introduction of an Ordinance providing for the issuance of City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003, in the aggregate principal amount of \$45,000,000; levying a tax in payment thereof; awarding the sale thereof, approving the official statement; and enacting other provisions relating thereto.

Reconsideration was made to change the public hearing date from February 25, 2003, to March 4, 2003. See the motion above.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to change the Public Hearing date to March 4, 2003 for an Ordinance providing for the issuance of City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003, in the aggregate principal amount of \$45,000,000; levying a tax in payment thereof; awarding the sale thereof, approving the official statement; and enacting other provisions relating thereto, see the motion above.

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the forefront of the regular agenda the discussion and action regarding the sale of the City's note and lien position secured by the property municipally known and numbered a 1831 Bassett, El Paso, Texas to 1831 Bassett, LLC.

Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to approve the sale of the City's note and lien position secured by the property municipally known and numbered as 1831 Bassett, El Paso, Texas to 1831 Bassett, LLC.

Ms. Sylvia Borrunda-Firth explained that a private citizen is interested in buying the City's lien and the sale is to take place at 10:00 a.m. today, which is the reason why the item had to be moved to the forefront. She requested authority to pass the sale and that the Mayor be authorized to sign any and all documents necessary to effectuate the transfer upon payment of all the amounts and upon the approval of the City Attorney's Office.

Representative Cook inquired if the sale would include cleaning the property.

Ms. Borunda-Firth responded that the future owners have made a commitment to clean up the property as soon as the foreclosure has been completed but they can make the clean up a condition.

Mr. James Neal, representing the interested buyer, replied that they are committed to clean the property as soon as allowable, within a reasonable time period.

Representatives Escobar and Sumrall expressed their support of the sale.

Representative Cobos asked questions on any other interested parties.

Representative Power questioned if this proposal prior to sending it to a tax sale public auction would be setting precedence.

Ms. Borunda-Firth responded to questions from Council Members and explained that the buyer would pay taxes and civil penalties.

Mr. Charlie McNabb, Chief Administrative Officer, gave further details about the tax sale process, the unique and first time proposal this time, and answered questions from Council Members.

Representative Cook stated that this was attempted as a tax sale in the past.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, stated that this property was pulled from sale the last time and gave further details on the City's position as the lien holder.

Representative Cobos made further comments on the property in question and expressed his support of the sale.

.....
Motion made by Representative Sumrall, seconded by Representative Cobos and carried to approve an increase on Council salaries by 5% effective at the beginning of the 2003 City Council term.

AYES: Representatives Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos

NAYS: Representative Power

Representative Sumrall commented that this Council would not have such a low salary had previous administrations have taken action in the past.

Mr. Charlie McNabb, Chief Administrator Officer, gave the particulars.

Representative Cobos commented that Council members are on call seven days a week, 24 hours a day and that they are not in it for the money but that a salary increase certainly helps.

Mr. Leopoldo Sierra questioned where the money will be coming from for Council's salary increase and also asked if City staff would also be getting an increase.

Representative Escobar commented that City staff did get raise; however, the health insurance premium also increased.

Representative Power expressed his opposition to the salary increase for Council members.

Ms. Susan Austin, citizen, urged Council members not to pass the salary increase for Council members at the last minute.

.....
SECOND ADDITION TO THE AGENDA

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing (see motion to approve introductions):

- An Ordinance providing for the 2003 General Election in the City of El Paso, calling for an election of officers.

PUBLIC HEARING WILL BE HELD ON THURSDAY, FEBRUARY 13, 2003 FOR ITEM A

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:55 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- | | |
|-----------|---|
| A. | Regarding Contract No. 2002-057 with J.C. General Contractors, Inc. (551.071) |
| B. | Potential claims related to Montwood High School, 03-C-021 (551.071) |
| C. | Lee Boulevard Right of Way Acquisition – TIP Roadway Construction Project (551.072) |
| D. | Bid No.: 2003-049 Workers' Compensation 3 rd Party Administrator |
| | Award to: Ward North America Inc. |
| | Dallas, TX |
| | Item (s): All |
| | Amount: \$965,666.00 (estimate / 1 year) |

Department:	Insurance
Funds available:	99100255-45122-502200
Funding source:	Worker's Compensation – Benefits Administrators
Total award:	\$965,666.00 (estimate / 1 year)
District (s):	All

The Insurance Department and the Review Committee based on evaluation factors established for this procurement, recommend award to Ward North America, Inc.

This is a three (3) year contract with the option to extend the contract for two additional one-year periods.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 1:20 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
 Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the settlement reached between the City of El Paso and J.C. General Contractors, Inc. be **ACCEPTED**, by the City, in its entirety as recommended by the City Attorney's Office; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

Representative Sumrall was not present to vote.

.....
 Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorneys Office be authorized to **HIRE A PRIVATE INVESTIGATOR** in the claim entitled **Montwood High School**; Our File No. 03-C-021.

Representative Sumrall was not present to vote.

.....
 Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City's agent and City Attorney be authorized to negotiate counteroffers from property owners for right of way acquisition of Lee Boulevard for the following Parcels 27, 30 and 32, as recommended by the City Attorney, and that the Mayor and City Attorney be authorized to sign any related documents.

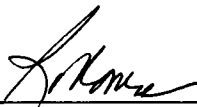
Representative Sumrall was not present to vote.

.....
 Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to postpone one (1) week Bid No.: 2003-049 Workers' Compensation 3rd Party Administrator

.....
 Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:25 p.m.

Representative Sumrall was not present to vote.

.....
 APPROVED AS TO CONTENT:



 Richarda Duffy Momsen, City Clerk